

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

League of United Latin American)
Citizens, et al.,)
Plaintiffs,)

Eddie Bernice Johnson, *et al.*,)
Plaintiff-Intervenors,)

No. 3:21-cv-259-DCG-JES-JVB
[Lead Case]

v.)

Greg Abbott, in his official capacity)
as Governor of the State of Texas, et)
al.,)
Defendants.)

United States of America,)
Plaintiff,)

v.)

No. 3:21-cv-299-DCG-JES
[Consolidated Case]

State of Texas, *et al.*)
Defendants.)

DECLARATION OF JEFFREY ARCHER

I, Jeffrey Archer, having personal knowledge of the facts stated herein, declare and state as follows:

1. I am Executive Director for the Texas Legislative Council (“TLC”), which is a nonpartisan legislative agency of the State of Texas established under Chapter 323 of the Texas Government Code. TLC serves as a source of impartial services, research, and information to the Texas Legislature and the legislative agencies of Texas.

2. I have been employed at TLC for almost forty years. I was in the legal division for most of my career and was previously Chief Legislative Counsel prior to becoming Executive Director.
3. As Executive Director of TLC, I am the head of the leadership team, which is responsible for directing and coordinating the operations of TLC, for coordinating TLC operations with House and Senate leadership, and for fielding media and public information inquiries. The team consists of the executive director, the assistant executive director, the general counsel, and the division directors.
4. TLC has approximately 375 employees.
5. TLC staff assist legislators in drafting and analyzing proposed legislation and in obtaining information on specific legislative problems and on matters affecting the general welfare of the state. TLC staff also handle the printing, processing, and distribution of official house printings and other legislative documents and provide computer support to the legislature and all of the other legislative agencies.
6. TLC has several specialized divisions, including: administration, document production, information systems, legal, and research. The research division is tasked with data analysis and digital content, editing, mapping and redistricting, policy research and bill analysis, and resolutions and publications. As part of mapping and redistricting, the staff of this section prepare district and policy issue maps and maintain election, census, and geographic databases and mapping and redistricting applications.
7. TLC is in charge of the tools and technology needed to meet the legislator's needs who are seeking assistance during the redistricting process. TLC has developed a sophisticated mapping software for redistricting projects in the State of Texas. The redistricting application, called RedAppl, is used to assist legislators and their staffs to create maps for various districts.
8. My primary role in redistricting is advising and directing the staff. TLC staff, including myself, are instructed not to propose or advance policy positions, to include suggesting how redistricting lines might be drawn to accomplish a policy outcome.
9. In my former roles as Senior Legislative Counsel and Chief Legislative Counsel, I was deposed in redistricting cases in the last three redistricting cycles. I previously testified as to the tools at the public and legislators dispose, including RedAppl, and the role of TLC in the redistricting process.
10. While I was involved in providing legal analysis regarding redistricting in previous decades, I had fewer than ten conversations in 2021 with legislators or

legislators' staff members in which I provided incidental generic legal advice regarding redistricting law. I did not provide legal advice or analysis to House or Senate leadership or the Redistricting Committees regarding any plans developed or proposed by the Committees. My limited conversations with individual members are subject to attorney-client privilege.

11. I had a few conversations in 2021 with legislative staff or legislative caucus staff in which I negotiated RedAppl system downtimes. I had fewer than five conversations in 2021 with legislators or legislative staff in which I provided technical or administrative information to legislators or staff.
12. I had extensive conversations with House and Senate officers and Committee staff regarding purely technical and administrative aspects of proposing and moving redistricting legislation, including amendments to redistricting measures, including the format of bills, what statistical data would be included in amendment packets, how redistricting amendments would be laid before the body electronically, and how amended redistricting bills would be engrossed.
13. I had extensive conversations with House and Senate leadership regarding the retention of outside counsel or other experts to assist the Redistricting Committees, including reimbursement rates and contract terms. TLC paid for legal and policy experts in redistricting to work at the direction of the House, but, as specified in their retention contracts, those experts did not work with me or at my direction.
14. DOJ has been provided access to the RedAppl system, so DOJ is fully capable of evaluating the software's capabilities without my assistance. TLC has already provided DOJ with all of the training materials regarding redistricting data and RedAppl that it provided to the Texas legislature.
15. While I could be considered an expert on legislative procedure and redistricting, I am not in possession of any substantively different or greater amount of information than any other person with regard to the 2021 Texas redistricting process.
16. I regularly provide privileged advice and recommendations to legislative offices that are outside the scope of the extant lawsuit.

I declare under penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Executed on July 21, 2022

A handwritten signature in blue ink, appearing to read "Jeffrey Archer", is written over a horizontal line.

Jeffrey Archer